

1. Virtual Courts and Way forward

Prelims Syllabus: Judiciary

Prelims Tag: Virtual courts, e-courts, Merits and Demerits of e-courts, COVID-19 and Virtual Court

Mains Syllabus: GS-II Important aspects of governance, transparency and accountability, e-governance- applications, Models, Successes, Limitations, and Potential; Citizens Charters, Transparency & Accountability and Institutional and Other Measures.

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Context:

- Recently, the Supreme Court passed a slew of directions for all courts across the country to extensively use video-conferencing for judicial proceedings. A bench headed by Chief Justice S A Bobde said that the recent outbreak of the COVID-19 has necessitated social distancing and it is necessary to ensure that court premises do not contribute to the spread of coronavirus.

Key Highlights:

- The Supreme court, which has restricted its functioning and is conducting hearing through video conferencing of extremely urgent matters during the lockdown period since March 25.
- The bench, also comprising Justices D.Y Chandrachud and L. Nageswara Rao, made it clear that no evidence would be recorded via video-conferencing.
- It said, if recording of evidence is must in the courts, then the concerned judge would ensure that distance is maintained inside the courtroom.
- Attorney General K.K. Venugopal said the National Informatics Centre, NIC must look into efficient and cheap applications across the country.
- The Director General of NIC told the bench that three things are required for video-conferencing -- good broadband connection, good devices and conduct of people

Benefits of Virtual Courts

Cost-Effective Technique:

- When compared to litigation, Virtual Courts are extremely profitable as it cuts down on the costs associated with manpower and paperwork.
- It also cuts down on the vast travelling expenses during the process of resolving cases Manually.

Convenient Technique:

- Virtual Courts can cover a wide range of geographical areas.
- This guarantees quality service to all the people of different regions.

Better Court Management:

- Virtual courts would help in the computerization of workflow management in courts.
- Thus, it would help to create a better court and case management. Video conferencing facilities would be installed in every court complex.
- Evidence of eyewitnesses, who are unable to attend the court can be recorded through this method.

Security of the witnesses:

- In many cases, the witnesses are not able to come to the court and make their statement as the other party is too strong and scares them of the consequences. e-Courts can help in dealing with such cases

Drawbacks of Virtual Courts:

Impersonal:

- Due to the virtual process of Virtual Courts, the emotional state of the disputed parties and the resultant body language and tone are not expressed to the judges.
- This poses a hindrance to forming any personal relationship with the dispute resolver.
- Also the judges have no control over the temper and tone of the disputed parties. This may sometimes lead to contempt of courts.

Knowledge of Computers:

- The essential preliminary requirement is to have a basic knowledge of computers and operation of the internet. Digital literacy in India being significantly low, this might be a roadblock for such. Even those who do have digital literacy, lack the trust required to avail Virtual courts. Thus, there is not only ignorance about computers, but also the reluctance of the usage of them.

Breach of Confidentiality:

- Often in the virtual courtroom processes, confidential information regarding the parties themselves or the parties whom they represent is revealed.
- Sensitive information is particularly more crucial in corporate negotiation in which often trade secrets are revealed.

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- Cyberspace is prone to cybercrime. If not properly secured, confidential information can be easily leaked out, having a detrimental effect on the parties concerned.

Way Forward:

- **Techno Legal Expertise:**
 - ✓ Adequate techno-legal expertise should be imparted to both the advocates and the judges to handle these virtual courtroom proceedings.

Funds for Infrastructure:

- Digital devices and internet connectivity needs physical and digital infrastructure, for which initial costs are slightly heavy.
- Government should allocate adequate funds to ensure provisioning of these.

Cybersecurity and Confidentiality:

- Key ingredient to induce trust among the litigants is by providing security to them and their valuable data.
- Cybersecurity should be an important component of virtual courtroom procedures.

